

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Plaintiff,

v.

Case No. 22-cv-11953  
Honorable Linda V. Parker

COUNTY OF WAYNE, et al.,

Defendants.

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**ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO FILE  
LATE NOTICE OF APPEAL**

On October 16, 2023, this Court issued an opinion and order granting motions to dismiss filed by Defendants Center for Forensic Psychiatry, Estelle Horne, Wayne County, Daniel Pfannes, Robert Dunlap, and James Davis. (ECF No. 73.) In the same decision, the Court sua sponte dismissed Plaintiff’s claims against Defendant Regina Thomas and declined to exercise supplemental jurisdiction over Plaintiff’s state law claims. (*Id.*) Plaintiff’s remaining claims had been previously dismissed. (ECF No. 32.) Therefore, on October 16, the Court also entered a Judgment. (ECF No. 74.)

The matter is now before the Court on Plaintiff’s motion for an extension of time to file an appeal. (ECF No. 75.) In the motion, Plaintiff indicates that her efforts to secure counsel, her physical medical disabilities, and her lack of

electronic means to draft pleadings have interfered with her ability to file a timely appeal.

Pursuant to Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a timely notice of appeal must be filed within thirty days after the judgment or order being appealed is entered. Fed. R. App. P. 4(a)(1)(A). Rule 4(a)(5) applies to a motion for extension of time and provides:

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with the local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 10 days after the date when the order granting the motion is entered, whichever is later.

Fed. R. App. P. 4(a)(5). “Good cause [is] found where forces beyond the control of the appellant prevented her from filing a timely notice of appeal.” *Nicholson v. City of Warren*, 467 F.3d 525, 526 (6th Cir. 2006) (citations omitted).

The time for Plaintiff to file a notice of appeal expired on November 16. Her motion was filed on that date. Therefore, Plaintiff is entitled to relief *if* she establishes excusable neglect or good cause for failing to file a timely notice of appeal. *Id.* 4(a)(5)(A)(ii). The Court finds that she establishes good cause.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for leave to file a late notice of appeal is **GRANTED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: December 20, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 20, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager